IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF NORTH CAROLINA CHARLOTTE DIVISION

CIVIL ACTION NO. 3:18-CV-00569-RJC-DSC

DAVID SCOTT CAMPBELL,)	
Plaintiff,)	
v.)	<u>ORDER</u>
STATE FARM MUTUAL AUTOMOBILE INSURANCE COMPANY AND JOHN DOE,)))	
Defendants.)	

THIS MATTER is before the Court on Plaintiff's "Second Motion to Stay Proceedings and to Compel Arbitration" (document # 16) and "Second Motion to Appoint Arbitrator" (document #17) filed on September 24, 2019, and the parties' associated briefs and exhibits (documents #20-22).

This matter was referred to the undersigned Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1) and these Motions are now ripe for the Court's consideration. The Court has carefully examined the record, the parties' arguments, and the applicable authorities.

Defendant State Farm Mutual Automobile Insurance Company does not oppose Plaintiff's "Second Motion to Stay Proceedings and to Compel Arbitration." Therefore, the Court <u>GRANTS</u> the Motion.

Plaintiff also moves the Court for an order finding that the agreed method of appointing the second arbitrator has failed and appointing Sam McGee as the second arbitrator. For the

reasons stated in Defendant's Response to Plaintiff's Motion (document #21), the Court <u>DENIES</u> the Motion. Defendant State Farm has previously designated John Barringer with the firm of McAngus Goudelock & Courie, LLC as its arbitrator.

IT IS THEREFORE ORDERED that:

- Plaintiff's "Second Motion to Stay Proceedings and to Compel Arbitration" (document # 16) is GRANTED.
- 2. The parties are **ORDERED** to proceed to arbitration and submit status reports to the Court every ninety days.
- 3. Plaintiff's "Second Motion to Appoint Arbitrator" (document #17) is **DENIED**.
- 4. This matter is **STAYED** pending arbitration.
- 5. The Clerk is directed to send copies of this Order to counsel for the parties, including but not limited to moving counsel, and to the Honorable Robert J. Conrad, Jr.

SO ORDERED.

Signed: October 29, 2019

David S. Cayer

United States Magistrate Judge